

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

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<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>DWIGHT BENJAMIN BOYCE and</b> <b>JAIME LEIGH GRACEY,</b>  <b>Defendants.</b>	<b>CR 21-10-BLG-SPW-2,-3</b>  <b>PRELIMINARY ORDER OF FORFEITURE</b>
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WHEREAS, in the indictment in the above case, the United States sought forfeiture of any property of the above-captioned person, pursuant to 21 U.S.C. §§ 853 and 881 and 18 U.S.C. § 924(d), as property used or intended to be used to facilitate the violations alleged in the indictment, or as proceeds of said violations;

AND WHEREAS, on July 23, 2021, Gracey entered a guilty plea, pursuant to a written plea agreement, to possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in the superseding information, and on September 2, 2021, Boyce entered a guilty plea, pursuant to a written plea agreement, to possession with intent to distribute

methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in the superseding information;

AND WHEREAS, by virtue of said guilty plea and stipulation, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

ACCORDINGLY, IT IS ORDERED:

1. That based upon the plea of guilty by both defendants Boyce and Gracey to the superseding informations, the United States is authorized and ordered to seize the following property. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- Mossberg, Model 500AG, 12 gauge Shotgun (SN: J286604); and
- 5 rounds of shotgun ammunition.

2. That the aforementioned forfeited property is to be held by the United States in its secure custody and control.

3. That, pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any

person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 18<sup>th</sup> day of October, 2021.

  
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SUSAN P. WATTERS  
United States District Court Judge